

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

SODJINE PAUL ANATO and SARAH ANATO,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT,

Defendant.

CV-17-28-GF-BMM-JTJ

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATIONS

Plaintiffs Sodjine Paul Anato and Sarah Anato filed a petition with the Ninth Circuit seeking review of an order of the National Appeals Division of the United States Department of Agriculture. On March 14, 2017, the Ninth Circuit denied review and transferred Plaintiffs' petition to this Court. (Doc. 1.)

Defendant USDA Rural Development moved to dismiss the Petition, or, in the alternative, to require Plaintiffs to amend the pleadings with a more definite statement. (Doc. 6.) Defendants argued that Plaintiffs failed to serve Defendant, and failed to state a claim under Federal Rule of Civil Procedure 8(a).

United States Magistrate Judge John Johnston issued an Order and Findings and Recommendations in this matter on April 18, 2018. (Doc. 21.) Judge Johnston found that Plaintiffs' subsequently-filed Complaint (Doc. 15) comprised a "more definite statement." (Doc. 21 at 7.) Judge Johnston found additionally that Plaintiffs' action constituted an appeal under the Administrative Procedure Act. *Id.* Judge Johnston found, finally, that Plaintiffs failed to name the proper defendants for their tort or constitutional claims. *Id.* Judge Johnston recommended that Defendant's Motion for a More Definite Statement (Doc. 6) be denied as moot, and Defendant's Motion to Dismiss (Doc. 6) be denied without prejudice. *Id.*

No party filed objections to Judge Johnston's Findings and Recommendation. The Court has thus reviewed the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendation, and adopts them in full.

ORDER

Accordingly, **IT IS ORDERED** that Magistrate Judge Johnston's Findings and Recommendations (Doc. 21) is **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant's Motion for a More Definite Statement (Doc. 6) is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss (Doc. 6) is **DENIED WITHOUT PREJUDICE**.

DATED this 18th day of July, 2018.

A handwritten signature in blue ink that reads "Brian Morris". The signature is fluid and cursive, with "Brian" on top and "Morris" below it, both starting with a capital letter.

Brian Morris
United States District Court Judge